99TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
99-759

MODIFYING THE BOUNDARIES OF THE CUYAHOGA VALLEY NATIONAL RECREATION AREA

AUGUST 7, 1986.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. UDALL, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany H.R. 4645]

[Including the cost estimate of the Congressional Budget Office]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 4645) to modify the boundaries of the Cuyahoga Valley National Recreation Area, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Page 1, line 3, strike all after the enacting clause and insert the following:

SECTION 1. BOUNDARY ADJUSTMENT.

Section 2 of the Act entitled "An Act to provide for the establishment of the Cuyahoga Valley National Recreation Area", approved December 27, 1974 (16 U.S.C. 460ff et seq.), is amended as follows:

(1) In subsection (a), strike "numbered 655-90,001-A and dated May 1978" and insert "numbered 644-80,054 and dated July 1986".

(2) At the end of subsection (a), insert the following: "The recreation area shall also comprise any lands designated as 'City of Akron Lands' on the map referred to in the first sentence which are offered as donations to the Department of the Interior or which become privately owned. The Secretary shall revise such map to depict such lands as part of the recreation area.".

(3) In subsection (b), after the first sentence, insert the following: "The Secretary may not acquire fee title to any lands included within the recreation area in 1986 which are designated on the map referred to in subsection (a) as 'Scenic Easement Acquisition Areas'. The Secretary may acquire only scenic easements in such designated lands. Unless consented to by the owner from which the easement is acquired, any such scenic easement may not prohibit any activity, the subdivision of any land, or the construction of any building or other facility if such activity, subdivision, or construction would have been permitted under laws and ordinances of the unit of local government in which such land was located on April 1, 1986, as such laws and ordinances were in effect on such date.".

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PURPOSE

The purpose of H.R. 4645[1] is to modify the boundaries of the Cuyahoga Valley National Recreation Area to authorize the inclusion of certain additional fee and easement acreage.

BACKGROUND

The Cuyahoga Valley National Recreation Area was established by Public Law 93-555 in 1974. Located along the Cuyahoga River in the valley separating Cleveland and Akron, Ohio, the national recreation area presently has 32,460 acres within its boundaries; of which approximately 14,715 acres are federally owned, with about 9,054 acres private lands and the remainder owned by non-Federal public agencies. The area's landscape is made up of a diversity of river floodplain, steep and gentle valley walls, and upland plateaus. Its location in a largely urban/suburban setting offers access to the millions of residents and visitors to the area.

SECTION-BY-SECTION ANALYSIS

H.R. 4645, as amended, would authorize the inclusion of approximately 1,100 acres within the park, with all but two parcels being added on to the present southern boundary of the park. Of the additions, approximately 640 acres are proposed to be acquired in fee and 487 acres in easements. The vast majority of the contemplated fee acreage is owned by the City of Akron, which under the provisions of the park's enabling Act can only be acquired by donation. H.R. 4645, as amended, clarifies the status of lands owned by the City of Akron. The bill specifies that the city-owned property identified will be included in the boundary only upon its donation to the United States or in the event the City disposes of the land to private interests.

The remaining fee acreage included in H.R. 4645 consists of the right-of-way for the historic steam railroad that operates in the park. The scenic easements authorized by the legislation will, if so acquired, protect one parcel in the Brecksville portion of the park, while the remainder of the easements would protect the southern viewshed of the park. H.R. 4645, as amended, stipulates that unless consented to by the owner, no scenic easement acquired may prohibit any activity, subdivision or construction on the property acquired if so permitted under local laws and ordinances which are in effect in the local political subdivision in which the land is located, as of April 1, 1986.

LEGISLATIVE HISTORY AND COMMITTEE RECOMMENDATION

The Subcommittee on National Parks and Recreation held a hearing on H.R. 4645 on June 3, 1986 in Washington, D.C. The Subcommittee considered the bill on July 24, 1986 and recommended the bill to the Committee on Interior and Insular Affairs with an amendment in the nature of a substitute. The Committee considered H.R. 4645 on July 30, 1986 and ordered the bill, as amended, favorably reported to the house by voice vote.

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[1] H.R. 4645 was introduced by Representative John Seiberling on April 21, 1986.

Oversight Statement

The Committee intends to carefully monitor the implementation of this legislation to assure compliance with the intent of the Act, but no specific oversight hearings have been conducted on this matter. No recommendations were submitted to the Committee pursuant to rule X, clause 2(b)2.

Inflationary Impact Statement

The Committee finds that enactment of this measure would have no inflationary impact on the national economy.

Cost and Budget Act Compliance

The Committee has determined that there will not be a significant increase in the Federal expenditures as a result of enactment of this bill. The report of the Congressional Budget Office, which the Committee adopts as its own, follows:

U.S. Congress,
Congressional Budget Office,
Washington, DC, August 6, 1986.

Hon. Morris K. Udall,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has reviewed H.R. 4645, a bill to modify the boundaries of the Cuyahoga Valley National Recreation Area, as ordered reported by the House Committee on Interior and Insular Affairs, July 30, 1986.

Based on information obtained from the National Park Service and the City of Akron, Ohio, CBO expects no significant additional cost to federal, state or local governments would be incurred if this bill is enacted. H.R. 4645 would authorize the inclusion of approximately 1,100 acres within the Cuyahoga Valley National Recreation Area. About 90 acres of this land is railroad right-of-way owned by the CSX Corporation. Because the Park Service already plans to acquire the right-of-way under existing law, the authority provided in this bill would not result in additional costs. CBO does not expect that the additional acquisition authority provided in the bill would be exercised in the forseeable future.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,

Rudolph G. Penner, *Director.*

Changes in Existing Law Made by the Bill, As Reported

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

THE ACT OF DECEMBER 27, 1974

(88 Stat. 1785, as amended, 16 U.S.C. 460ff-3)

To provide for the establishment of the Cuyahoga Valley National Recreation Area.

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LAND ACQUISITION

SEC. 2. (a) The recreational area shall comprise the lands and waters generally depicted on the map entitled Boundary Map Cuyahoga Valley National Recreation Area, Ohio, numbered [655-90,001-A and dated May 1978] *644-80054 and dated July 1986* which shall be on file and available for inspection in the offices of the National Park Service, Department of the Interior, Washington, District of Columbia, and in the main public library of Akron, Ohio, and Cleveland, Ohio. After advising the Committees on Interior and Insular Affairs of the United States Congress, in writing, the Secretary may make minor revisions of the boundaries of the recreation area when necessary by publication of a revised drawing or other boundary description in the Federal Register: *Provided,* That with respect to the property known as the Hydraulic Brick Company located in Independence, Ohio, the Secretary shall have the first right of refusal to purchase such property for a purchase price not exceeding the fair market value of such property on the date it is offered for sale. When acquired such property shall be administered as part of the recreation area, subject to the laws and regulations applicable thereto.

The recreation area shall also comprise any lands designated as "City of Akron Lands" on the map referred to in the first sentence which are offered as donations to the Department of the Interior or which become privately owned. The Secretary shall revise such map to depict such lands as part of the recreation area.

(b) Within the boundaries of the recreation area, the Secretary, after consultation with the Governor of the State of Ohio and the Advisory Commission established in section 5 of this Act, may acquire lands, improvements, waters, or interests therein by donation, purchase with donated or appropriated funds, exchange, or transfer. *The Secretary may not acquire fee title to any lands included within the recreation area in 1986 which are designated on the map referred to in subsection (a) as "Scenic Easement Acquisition Areas". The Secretary may acquire only scenic easements in such designated lands. Unless consented to by the owner from which the easement is acquired, any such scenic easement may not prohibit any activity, the subdivision of any land, or the construction of any building or other facility if such activity, subdivision, or construction would have been permitted under laws and ordinances of the unit of local government in which such land was located on April 1, 1986, as such laws and ordinances were in effect on such date.* Any lands or interests owned therein, as well as any lands, hereafter acquired, by the State of Ohio or any political subdivision thereof (including any park district or other public entity) may be acquired only by donation. The Secretary shall not acquire privately owned

lands which are held and used for public recreation uses unless he determines that such lands are essential to carry out the purposes of this Act. Notwithstanding any other provisions of law, any Federal property located within the boundaries of the recreation area may, with the concurrence of the agency having custody thereof, be transferred without transfer of funds to the administrative jurisdiction of the Secretary for the purposes of the recreation area.

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